

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

. . . . .  
BARBARA E. VARNER, .  
Plaintiff, . CIVIL ACTION  
 . NO. 1:CV 01-0725  
vs. .  
 .  
COMMONWEALTH OF PENNSYLVANIA, . (JUDGE YVETTE KANE)  
NINTH JUDICIAL DISTRICT, .  
CUMBERLAND COUNTY; CUMBERLAND .  
COUNTY; S. GARETH GRAHAM, .  
Individually, and JOSEPH .  
OSENKARSKI, individually, .  
Defendants. .  
. . . . .

Deposition of: DENNIS DRACHBAR

Taken by : Defendant

Date : April 28, 2003, 2:58 p.m.

Before : Emily Clark, RMR, Reporter-Notary

Place : Administrative Office of Pennsylvania  
Courts  
5034 Ritter Road  
Mechanicsburg, Pennsylvania

APPEARANCES:

DEBRA K. WALLET, ESQUIRE  
For - Plaintiff

ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS  
BY: A. TAYLOR WILLIAMS, ESQUIRE  
For - Defendant Commonwealth of Pennsylvania  
Ninth Judicial District, Cumberland County

THOMAS, THOMAS & HAFFER  
BY: PAUL J. DELLASEGA, ESQUIRE  
For - Defendant Cumberland County

1 APPEARANCES (continued):

2 MONTGOMERY, McCracken, Walker & Rhoads, LLP  
3 BY: DAVID J. MacMAIN, ESQUIRE  
4 For - Defendant S. Gareth Graham

5 SWEENEY & SHEEHAN, P.C.  
6 BY: PAUL LANCASTER ADAMS, ESQUIRE  
7 For - Defendant Joseph L. Osenkowski

8 ALSO PRESENT:

9 MS. BARBARA E. VARNER

10 MR. S. GARETH GRAHAM

11 MR. JOSEPH L. OSENKARSKI

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I N D E X

2

WITNESS

3

Dennis Drachbar

Examination

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By Mr. Dellasega

4, 33

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By Ms. Williams

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By Mr. Adams

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By Ms. Wallet

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EXHIBITS

11

(None marked)

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Drachbar

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1 STIPULATION

2 It is hereby stipulated by and between the  
3 respective parties that sealing, certification and  
4 filing are waived; and that all objections except as to  
5 the form of the question are reserved until the time of  
6 trial.

7

8 DENNIS DRACHBAR, called as a witness, being  
9 duly sworn, was examined and testified, as follows:

10 BY MR. DELLASEGA:

11 Q. Mr. Drachbar, my name is Paul Dellasega. I'm the  
12 attorney for the county in the lawsuit brought by  
13 Barbara Varner.

14 Have you ever testified previously, sir?

15 A. No.

16 Q. Even in court proceedings?

17 A. Oh. Yeah, in job related.

18 Q. Right. Have you ever been deposed?

19 A. No.

20 Q. For some reason if I ask a question you don't  
21 understand, will you please tell me you don't  
22 understand it? Then I will repeat it to your  
23 satisfaction.

24 A. Okay.

25 Q. How long have you been employed in Probation?

Drachbar

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1 A. With Cumberland County? Or probation?

2 Q. Cumberland County.

3 A. Since '84.

4 Q. What's your current job title?

5 A. Probation officer II.

6 Q. How long have you been a PO-II?

7 A. I don't know what the date is.

8 Q. Were you a PO-II before Juvenile and Adult split?

9 A. No.

10 Q. Do you believe Barbara Varner and Gary Graham had an  
11 affair?

12 A. I don't know of any affair.

13 MR. MacMAIN: I'm sorry, could you speak up?

14 THE WITNESS: I said I don't know of anything.

15 BY MR. DELLASEGA:

16 Q. When did you first meet Mrs. Varner?

17 A. Oh, whenever she was employed I guess by Cumberland  
18 County.

19 Q. Do you recall her being employed by Children and Youth  
20 before coming to Probation?

21 A. I think I knew she was down there.

22 Q. Did you know her while she was at CYS?

23 A. No. No.

24 Q. Did you ever hear Mr. Graham speak of Mrs. Varner while  
25 she was at CYS?

Drachbar

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1 A. No.

2 Q. Did you ever see Graham and Varner interact together  
3 before she came to Probation?

4 A. No.

5 Q. Did you ever hear the phrase Barb 1 and Barb 2?

6 A. I have.

7 Q. In what context have you heard it?

8 A. As far as I think telephone calls that would come in.

9 Q. Why would they say Barb 1 and Barb 2 instead of --

10 A. Well, from what I understood, that when a secretary had  
11 a call, I think there was Barb, Barb his wife, there  
12 was an another Barb that I believe was a placement  
13 representative, and Barb Varner, I guess three  
14 different Barbs. That's all.

15 Q. Did you ever understand that to have any sexual  
16 reference?

17 A. No.

18 Q. Before Mrs. Varner raised a complaint against  
19 Mr. Graham for sexual harassment, did you ever hear any  
20 discussion within the office as to whether or not there  
21 was a sexual relationship going on between the two of  
22 them?

23 A. None whatsoever, no.

24 Q. Before Adult and Juvenile split, did you have occasion  
25 to observe the two of them together?

Drachbar

7

1 A. No.

2 Q. Before the split, did you have an opinion as to whether  
3 they were friends?

4 A. No.

5 Q. You had no opinion?

6 A. No.

7 Q. Did you ever observe the tenor of their relationship to  
8 change?

9 A. No.

10 Q. In 1995 before the split and in 1997 when Sam Miller  
11 became her supervisor, as far as you observed, Graham  
12 and Varner acted together the same way constantly?

13 A. Are you saying at what point in time?

14 Q. At any point in time did the tenor of their  
15 relationship change the your observation?

16 A. I'm not aware of anything, no.

17 Q. So you would never categorize them as friends one day  
18 and as enemies or hostile to each other on another day?

19 A. No.

20 Q. You've had sexual harassment training with the county?

21 A. Yes.

22 Q. On two occasions, I believe?

23 A. I don't know how many.

24 Q. Based on the understanding you've acquired in the  
25 training they've given you about sexual harassment,

Drachbar

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1           have you ever observed Mr. Graham to sexually harass  
2           anyone?

3       A.     I can't even refer back to the training. You know, I  
4           have no idea what the -- without having something in  
5           front of me spelling out, you know, whatever the sexual  
6           harassment policy would be, I mean, as a general  
7           answer, no, I haven't seen any.

8       Q.     Okay. Well, let me ask you this. After receiving  
9           training do you have any understanding of what sexual  
10          harassment is as a consequence of that training?

11      A.     Yeah, I would hope so.

12      Q.     Okay. And what is your understanding?

13      A.     You can't make inappropriate comments or so forth  
14          towards anyone.

15      Q.     Using that understanding, have you ever seen Mr. Graham  
16          sexually harass any individual?

17      A.     No.

18      Q.     Specifically, Mrs. Varner?

19      A.     No.

20      Q.     Have you ever observed Graham to yell at Mrs. Varner?

21      A.     No.

22      Q.     To curse at Mrs. Varner?

23      A.     No.

24      Q.     To say anything sexually demeaning to Mrs. Varner?

25      A.     No.



Drachbar

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1 Q. To give Mrs. Varner arduous or burdensome assignments?

2 A. No. Well, again, I'm not -- as far as giving  
3 assignments and so forth, I have no knowledge of that.  
4 You know, I'm not aware of anything.

5 Q. Did you observe Graham to treat Mrs. Varner with  
6 respect?

7 A. Yes.

8 Q. Did he treat her as a friend?

9 A. I think he treated her as an employee, as far as I  
10 could tell.

11 Q. The same way he treated every other employee?

12 A. Yeah.

13 Q. Before Mrs. Varner lodged a complaint regarding  
14 Mr. Graham's conduct, did you have any idea there was  
15 any problem in that relationship?

16 A. None.

17 Q. Had you ever heard Mrs. Varner make a complaint about  
18 Graham before --

19 A. No.

20 Q. -- she formally filed?

21 A. No.

22 Q. Had you ever heard her complain about trips she had,  
23 commitment trips she took with Graham?

24 A. No.

25 Q. Did Mr. Graham appear to be her mentor?

Drachbar

10

1 A. No.

2 Q. Did she have a mentor, do you know?

3 A. I'm not aware of it.

4 Q. After the charges were filed, did you ever become aware

5 that Graham had told Judge Sheely that he and

6 Mrs. Varner had an affair?

7 A. Not from Gary, no.

8 Q. From anyone?

9 A. I think it was office type information, you know. I

10 don't know where it came from, but.

11 Q. Scuttlebutt known within the office?

12 A. Yeah, I think so.

13 Q. Did you ever hear anybody express an opinion that they

14 thought the affair had occurred?

15 A. No.

16 Q. Did you ever hear anybody express an opinion that they

17 thought the affair had not occurred?

18 A. No.

19 Q. You never heard it discussed at all?

20 A. Well, I heard that's what Gary told Judge Sheely, but

21 other than that, nothing.

22 Q. Using the understanding of sexual harassment that you

23 previously expressed, have you ever seen Mr. Osenkowski

24 sexually harass anyone?

25 A. No.

Drachbar

11

1 Q. Have you ever heard him treat any woman rudely?

2 A. No.

3 Q. Speak demeaningly of women within the office?

4 A. No.

5 Q. Have you ever heard Mr. Osenkarksi discuss intimate  
6 details of his own personal sex life within the office?

7 A. No.

8 Q. Have you ever heard Mr. Osenkarski talk about affairs  
9 he's had?

10 A. No.

11 Q. Have you ever heard Mr. Osenkarski express any desire  
12 to be sexually involved with anybody in the courthouse?

13 A. No.

14 Q. Within the Probation Office have you ever heard  
15 four-letter words used, bad languages?

16 A. Like what?

17 Q. Like the F word.

18 A. I've heard that.

19 Q. Have you heard it from probation officers as well as  
20 clients?

21 A. Both.

22 Q. Have you heard it from female as well as male probation  
23 officers?

24 A. I can't really recall. You know, I don't know. I  
25 can't give you a definite answer.

Drachbar

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1 Q. Have you ever heard a female probation officer complain  
2 about the use of off-color language within the office?

3 A. No.

4 Q. You're a supervisor now?

5 A. No.

6 Q. You don't supervise anyone?

7 A. No.

8 Q. As a PO-II, what do you do?

9 A. I have a caseload function.

10 Q. As to the female probation officers in the department,  
11 have you ever heard them engage in sexual banter about  
12 men?

13 A. No.

14 Q. To complain about their dates or their boyfriends or  
15 their ex-husbands?

16 A. No.

17 Q. What is your understanding of the present rule in  
18 Juvenile Probation regarding seniority?

19 A. I have no idea. I don't.

20 Q. Prior to the split in Probation when Adult and Juvenile  
21 were all in one department, did you have an  
22 understanding then as to what the seniority rules were?

23 A. No.

24 Q. Do you have an understanding now as to whether  
25 seniority plays any role in promotions?

Drachbar

13

1 A. No.

2 Q. Do you have an understanding as to where you are, in  
3 fact, on the Juvenile Probation seniority list?

4 A. Not really, no.

5 Q. After the split, did Mr. Boyer ever discuss with you  
6 whether the seniority policy should be changed?

7 A. I can't recall, no.

8 Q. Have you ever heard either Mr. Graham or Mr. Osenkarski  
9 use the phrase peter meter?

10 A. No.

11 Q. Use the phrase black bush, referring to a woman's  
12 genital area?

13 A. No.

14 Q. Use the phrase jeehoobees, referring to a woman's  
15 breasts?

16 A. No.

17 Q. Have you ever heard anything, even jokingly, about  
18 female interns being asked to dance on tabletops?

19 A. No.

20 Q. Jokingly about new interns, whether they're male or  
21 female, being asked to dance on tabletops?

22 A. No.

23 Q. Have you ever heard Mr. Graham say with respect to  
24 Barbara Varner that she has either no fucking sense, no  
25 fucking training or no fucking ability?

Drachbar

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1 A. No.

2 Q. Is that atypical of the type of language Mr. Graham  
3 would use?

4 A. I've never, you know, I've never heard anything such as  
5 that from Mr. Graham.

6 Q. Mr. Graham customarily did not use bad language in the  
7 office?

8 A. No.

9 Q. When Mrs. Varner filed her complaint of sexual  
10 harassment, did Mr. Graham discuss that with you at  
11 all?

12 A. Not really.

13 Q. Did he ever threaten you if you were to help Barbara  
14 Varner in any way?

15 A. No.

16 Q. Did he ever indicate to you that he had hostile  
17 feelings toward Varner?

18 A. No.

19 Q. Have you ever heard Graham say anything that you  
20 believe would lead you to be concerned for  
21 Mrs. Varner's personal safety?

22 A. No.

23 Q. Have you ever heard Mr. Graham indicate with regard to  
24 anybody, that if they did something he didn't like, he  
25 would see that they were punished?

Drachbar

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1 A. No.

2 Q. In general, from your observation, was Mr. Graham  
3 polite to the people he supervised?

4 A. Yes.

5 Q. And in general, then, was he polite to Mrs. Varner  
6 while he was supervising her?

7 A. He was the same as, you know, all employees, it's  
8 just...

9 MR. DELLASEGA: That's all I have.

10 MR. MacMAIN: I have no questions.

11 BY MS. WILLIAMS:

12 Q. Mr. Drachbar, did you ever have occasion to talk with  
13 former President Judge Sheely about Barbara Varner?

14 A. No.

15 Q. Did you ever have occasion to have a conversation with  
16 President Judge Sheely about Gary Graham?

17 A. No.

18 Q. Did you ever have occasion to have a conversation with  
19 President Judge Hoffer about Barbara Varner?

20 A. No.

21 Q. Did you ever have occasion to have a conversation with  
22 President Judge Hoffer about Gary Graham?

23 A. No.

24 Q. So you've never talked to either of those two president  
25 judges about any of the events in this lawsuit?

Drachbar

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1 A. None whatsoever.

2 MS. WILLIAMS: Thank you. That's all I have.

3 BY MR. ADAMS:

4 Q. Hi, Mr. Drachbar. As you already know from the  
5 hallway, my name is Paul Lancaster Adams and I  
6 represent Mr. Osenkarksi.

7 Have you ever stated to anyone that Gary Graham  
8 drove too fast?

9 A. Yeah, I did.

10 Q. In what context?

11 A. When I was with him, he drove too fast. I told him  
12 that. That's all.

13 Q. Did you think that in driving fast he was being unsafe?

14 A. Well, I guess there's always that possibility.

15 Q. How often would you ride with Gary Graham while he was  
16 driving fast?

17 A. How often?

18 Q. Yes.

19 A. Oh, I have no idea.

20 Q. Would you say it was a dozen times, half dozen times?  
21 One or two times? In your employment together.

22 A. What, are you giving me choices there or?

23 Q. Well, what do you think is too fast, driving speed is  
24 too fast?

25 A. Anything over the speed limit.



Drachbar

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1 Q. So if Mr. Graham was driving and you're riding with him  
2 and he was going over the speed limit, it was too fast?

3 A. Right.

4 Q. So hypothetically, if the speed limit was 55 miles per  
5 hour, 60 miles per hour would be too fast, in your  
6 opinion; is that correct?

7 A. What's that?

8 Q. If the speed limit for a territory where on a road  
9 while you're driving is 55 miles per hour and somebody  
10 is driving 60 miles per hour, then that would be too  
11 fast, in your opinion; is that correct?

12 A. Yes. Yes, that's correct.

13 MR. ADAMS: I think that's all I have for you.

14 BY MS. WALLET:

15 Q. Mr. Drachbar, my name is Debra Wallet. I'm the  
16 attorney for Barbara Varner in this matter.

17 Did anyone talk to you before today about your  
18 testimony today?

19 A. Not about my testimony, no.

20 Q. Did someone talk about this case before today?

21 A. In what context?

22 Q. Well, did somebody come to you and say: I'm  
23 investigating something and what do you know about  
24 this?

25 A. No. No, never.

Drachbar

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1 Q. Did you have any discussions with Mr. Deluce?

2 A. No.

3 Q. Did you have any discussions with anyone who  
4 represented themselves as being from the EEOC?

5 A. No.

6 Q. Did you talk to anybody who has been deposed in this  
7 matter previously?

8 A. Sam, out there in the waiting room, yeah.

9 Q. Anybody else?

10 A. No.

11 Q. Did you talk to Bill Brandt?

12 A. Bill Brandt, I'll say this, that I didn't talk to him,  
13 I didn't go to him or anything. He's talked to me.

14 Q. And did you ask him what this proceeding would be like?

15 A. No. I didn't ask him, no.

16 Q. What did he tell you?

17 A. He just said that he was deposed, and that was  
18 basically it.

19 Q. Sir, are you fearful of testifying today for any  
20 reason?

21 A. No.

22 Q. Do you fear any kind of retaliation against you as far  
23 as future promotions or anything like that?

24 A. No.

25 Q. Are you reluctant to testify today?

Drachbar

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1 A. No. Reluctant in the sense of, you know, taking time  
2 and coming down here, but other than that.

3 Q. Is there any reason why you could not answer all of the  
4 attorneys' questions here today completely and  
5 truthfully?

6 A. In what manner?

7 Q. Well, do you understand about answering truthfully?

8 A. Yes.

9 Q. And is there any reason why you could not do that  
10 today?

11 A. I answered his questions truthfully.

12 Q. Is there any reason why you couldn't be complete in  
13 your answers today?

14 A. I answered his questions.

15 Q. Okay. Mr. Drachbar, did you have any conversations  
16 with Darby Christlieb about the relationship between  
17 Gary Graham and his sister?

18 A. No. Whose sister?

19 Q. Gary Graham's sister?

20 A. No.

21 Q. Mr. Drachbar, we had the deposition of Mr. Christlieb  
22 earlier today, and Mr. Christlieb told us that you had  
23 talked to him about what you knew regarding Gary  
24 Graham's mother's estate.

25 A. No, I don't recall that.

Drachbar

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1 Q. Did you have any information about Gary Graham's  
2 mother's estate?

3 A. No.

4 Q. So if Mr. Christlieb said that you told him that, that  
5 was a lie?

6 A. I did not -- I don't recall saying anything to  
7 Mr. Christlieb.

8 Q. Do you know Gary Graham?

9 A. Yes.

10 Q. Do you know him from outside of work?

11 A. Generally. It was a work-related relationship.

12 Q. Have you seen him outside of work?

13 A. What was that?

14 Q. Have you seen him on social occasions outside of work?

15 A. Yes.

16 Q. And what would some of those occasions be?

17 A. I'm trying to think. I really can't recall the, you  
18 know, what exactly it was, but.

19 Q. Well, were you at a party with him?

20 A. Could have been. I'm really not sure.

21 Q. Did you socialize with any of the probation officers,  
22 including Mr. Graham, in activities after work?

23 A. No. No.

24 Q. Have you ever been to Mr. Graham's home?

25 A. Yes.

Drachbar

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1 Q. On what occasions were you at his home?

2 A. For what purpose? Oh, probably, you know, he wanted to  
3 show me something, you know. And I have never been to  
4 Mr. Graham's home for a social occasion, but I've been  
5 to his home.

6 Q. On more than one occasion?

7 A. Yes.

8 Q. Several?

9 A. I would say so.

10 Q. How did you come to be employed at the Cumberland  
11 County Probation Office?

12 A. Applied for a job, was interviewed by Judge Sheely, and  
13 was hired.

14 Q. And did you have prior experience in probation officer  
15 work?

16 A. Yes.

17 Q. Where was that, sir?

18 A. Franklin County Probation.

19 Q. How long did you work there?

20 A. Approximately four years.

21 Q. Did you have any other probation officer experience  
22 prior to Cumberland County?

23 A. No.

24 Q. Did you have another profession or occupation before  
25 you worked in Franklin County?

Drachbar

22

1 A. No.

2 Q. So you came out of school, went to work for Franklin  
3 County, then came to work for Cumberland County?

4 A. Yes.

5 Q. Did Gary Graham play any role in your being hired in  
6 the Cumberland County Probation Office?

7 A. No.

8 Q. To the best of your knowledge, did you know anybody in  
9 the Cumberland County Probation Office prior to your  
10 applying for employment at Cumberland County?

11 A. No. The only one that I knew is that Joe on occasions  
12 would come to Franklin County on business, and I would  
13 talk to Joe. You know, of course, I just knew him from  
14 that relationship work-wise. And other than that, I  
15 didn't know anyone.

16 Q. When you first came to work in Cumberland County, did  
17 you always work in Juvenile Probation?

18 A. No.

19 Q. Did you work on the Adult side?

20 A. We were one department at the time, I believe, when I  
21 first came. It was somewhat of a 50/50 split between  
22 Adult and Juvenile.

23 Q. And after the split, were you given a choice as to  
24 which office you would work in?

25 A. No. Before the split I believe it was Joe wanted two

Drachbar

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1 people to be intensive probation officers to try to  
2 alleviate placements of kids, and Joe approached me  
3 about being an intensive officer.

4 Q. And that would be only on the Juvenile side?

5 A. Right. Right. Although at the time, the office was  
6 functioning as both Juvenile and Adult. There was no  
7 split.

8 Q. Is that what you do now?

9 A. Yes.

10 Q. Do you have much interaction with the other probation  
11 officers on the Juvenile side?

12 A. Just normal day-to-day interaction.

13 Q. Where is your office presently?

14 A. In the Juvenile Probation Office, third floor.

15 Q. What part?

16 A. The main office.

17 Q. How long have you been there?

18 A. I was in one office and then Ken retired, and moved  
19 into another office. It's just been a number of years.

20 Q. And that would be Ken Bolze?

21 A. Right.

22 Q. So you've been in the same office most of the time  
23 since Ken Bolze retired?

24 A. The actual physical office?

25 Q. Yes.

Drachbar

24

1 A. Yes.

2 Q. And that's on the third floor?

3 A. Yes.

4 Q. Do you participate in some of the office banter that  
5 takes place, or do you just stay in your office?

6 A. I keep to myself pretty much.

7 Q. Were you aware of the term cunt club?

8 A. I was aware of it after I believe there was a complaint  
9 made, but not before, no.

10 Q. And what did you know about that?

11 A. Just that, really, just that term. That's what I've  
12 heard. Other than knowing anything about it, I don't  
13 know anything about it.

14 Q. Well, were you aware that someone had made a complaint  
15 about the use of that term?

16 A. Yes.

17 Q. Who made the --

18 A. After the complaint was made.

19 Q. Okay.

20 A. Um-hum.

21 Q. Did you know who made the complaint?

22 A. I believe it was Kerry.

23 Q. What else did you know about that complaint?

24 A. Other than that, you know, beyond that, I don't know of  
25 anything about the complaint.



Drachbar

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1 Q. Did anyone ask you whether you had heard that term?

2 A. I don't believe so, no.

3 Q. Did anyone ask you in or about that time, the time of  
4 the bringing of the complaint regarding cunt club, did  
5 anyone ask you whether you had observed any sexual  
6 harassment?

7 A. It's been so long, you know, there's a possibility that  
8 maybe Ken came around and inquired to people, but I  
9 don't recall him doing that. He might have but, you  
10 know, I can't say definitely, yes, Ken came around and  
11 inquired during what he was investigating. I don't  
12 know. I can't remember that.

13 Q. Did anyone come to you and say: I'm investigating this  
14 issue of how to calculate seniority and I'd like to ask  
15 you what your opinion is?

16 A. Again, I can't recall anyone coming to me and asking,  
17 you know, my opinion on that. I can't say, you know,  
18 if someone like Ken or Joe or whoever, I can't remember  
19 that, no.

20 Q. Did you ever offer your opinion with regard to the  
21 seniority issue?

22 A. I can't recall it. I don't think I did.

23 Q. Do you have an opinion today as to how seniority should  
24 be calculated?

25 A. I don't. No. I don't, you know, know what the issues

Drachbar

26

1 are. I don't know.

2 Q. Did you ever tell Barbara Varner that you thought she  
3 should be careful with regard to her interactions with  
4 Gary Graham?

5 A. I can't recall ever saying that, no.

6 Q. Did you ever warn her that perhaps Mr. Graham might do  
7 something to her?

8 A. I can't say that I -- I don't recall that I ever said  
9 that to her, no.

10 Q. Did you ever have a discussion with Ms. Varner about  
11 her relationship with Mr. Graham?

12 A. Me?

13 Q. Yes.

14 A. I'm -- again, it's been so long ago. Perhaps. I can't  
15 definitely say yes, I can't definitely say no.  
16 Perhaps.

17 Q. You don't recall any discussions with her about  
18 anything involving this case?

19 A. Well, just general topic type things, I guess. You  
20 know, I can't specify what they were.

21 Q. Would she come to you or did you go to her?

22 A. I really don't know. I think it was just more like,  
23 you know, an office type -- I don't think anyone, you  
24 know, seeked one another out.

25 Q. Sir, do you think your best strategy with regard to

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1           this case is just to not remember anything?

2           MR. ADAMS: Objection to the form.

3           THE WITNESS: No.

4           MR. ADAMS: It's a little harassing, don't you  
5           think?

6   BY MS. WALLET:

7   Q.   Did you understand my question?

8           THE REPORTER: I took a no.

9           THE WITNESS: I'm just saying, you know, what I  
10          know. That's all.

11  BY MS. WALLET:

12  Q.   Did someone suggest to you that your best strategy  
13          might be not to remember anything?

14  A.   No.

15  Q.   Do you understand that there is likely to be a trial of  
16          this case and that you will likely be subpoenaed for  
17          that trial?

18  A.   I'm not aware of that, no.

19  Q.   No one told you that there might be a trial here?

20  A.   I guess you take it for granted that if the issues,  
21          whatever they may be, cannot be resolved, there's  
22          always that possibility. But no one has come to me and  
23          has said, you know, there's going to be a trial and so  
24          forth, no.

25  Q.   Did anyone explain to you why you were called for this

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1 deposition today?

2 A. No. No.

3 Q. Do you understand that you're being asked these  
4 questions to determine what you know so that questions  
5 can be asked of you at trial?

6 A. I really haven't thought about that, no.

7 Q. Do you know anything about Gary Graham's performance  
8 evaluation being changed?

9 A. No, I don't.

10 Q. Did you ever tell anyone that you knew something about  
11 that?

12 A. I don't believe. No.

13 Q. Were you aware of any instance where anyone's  
14 performance evaluation was changed as a result of that  
15 person complaining?

16 A. I do not know that, no.

17 Q. Did you ever hear anyone say that Gary Graham punishes  
18 people who do not side with him?

19 A. Anyone? I can't think of anyone.

20 Q. Do you believe that Gary Graham punishes people who  
21 don't side with him?

22 A. I'm not aware of that, no.

23 Q. Do you believe that, sir?

24 A. No.

25 Q. Do you believe that Mr. Osenkarski may punish someone

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1           who does not side with him?

2     A.     No.

3     Q.     Have you ever heard any sexual jokes in the office?

4     A.     If I did, I wouldn't know what they -- I mean, I  
5           couldn't tell you what they were.

6     Q.     Okay. My question is: Did you ever hear any?

7     A.     I'm trying to think. I probably did. I mean, there's  
8           that possibility. I mean, I can't specify what it was,  
9           but there's that possibility.

10    Q.     Did you ever hear Gary Graham use the F word?

11    A.     I have.

12    Q.     Did he direct it at anyone?

13    A.     No, I don't -- I can't recall that he directed it at  
14           anyone, no.

15    Q.     Did you ever hear Mr. Osenkowski use the F word?

16    A.     Yes.

17    Q.     And do you know whether he directed it at anyone?

18    A.     He did not direct it at anyone, no.

19    Q.     And what do you recall about how this word came into  
20           conversation in an office?

21    A.     Again, I can't recall the details on it. You know,  
22           maybe as an example just, you know, looking at a  
23           referral or something that came in or, you know,  
24           referring to it as such. Something, you know, possibly  
25           like that. But you know, I can't specify in what

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1 context, you know.

2 Q. Sir, when you were made a PO-II did someone recommend  
3 you for that promotion?

4 A. I guess Joe did. But you know, yeah, I would think  
5 that Joe did, with the approval of the president judge.

6 Q. And at the time you were made a PO-II, was there anyone  
7 less senior than you who was not made a PO-II?

8 A. As far as having the amount of time in the office?

9 Q. Correct.

10 A. How far back does that go?

11 Q. Well, I'm not sure, because you aren't sure when you  
12 were made a PO-II.

13 A. Yeah. At the time. I don't think so, as far as having  
14 longevity there.

15 Q. Were you ever a senior probation officer?

16 A. Yes.

17 Q. Do you recall when you were made a senior PO?

18 A. I don't know the year or date. I really don't know.

19 Q. You were made a senior PO before you became a PO-II?

20 A. Yes.

21 Q. Okay. Do you recall how you became a senior PO? Did  
22 someone recommend you for that?

23 A. From what I recall, I think the judge approved senior  
24 PO based on years of service and education, I believe.

25 Q. Do you recall whether someone recommended you to the

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1 judge for the senior PO position?

2 A. I think there was a, from what I can recall, there was  
3 a group of people that got senior PO, so it just wasn't  
4 me. I think it was a new category created by the  
5 judge.

6 Q. And do you know who was in that group?

7 A. Not without a list, no.

8 Q. You don't recall who was promoted at the same time as  
9 you to senior PO?

10 A. Not without a list in front of me, I don't know.

11 Q. Did Mr. Graham ever call you at home?

12 A. Work related, yes.

13 Q. What reasons did he call you at home?

14 A. About work, about cases.

15 Q. Would this be in the nature of an assignment of some  
16 sort?

17 A. I believe just information gathering, or if they had to  
18 make a transport or something like that, making  
19 arrangements.

20 Q. Did Mr. Graham ever call you at home and talk to you  
21 about Barbara Varner?

22 A. No.

23 Q. Did Mr. Graham ever talk to you about Barbara Varner?

24 A. He did right after I guess this whole thing unfolded,  
25 you know, just in general terms.

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1 Q. And what did he say to you about Barbara Varner?

2 A. He just felt that it wasn't, you know -- I don't know  
3 the exact words, but it wasn't fair and that he's not  
4 involved in, you know, whatever the allegations were  
5 and so forth, or are. Just like that.

6 Q. Was Mr. Graham angry at the time?

7 A. No. No.

8 Q. Is Mr. Graham angry at Barbara Varner?

9 A. I have no knowledge of that.

10 Q. Does your office have -- and when I say your office I'm  
11 speaking of Juvenile Probation, now.

12 A. Okay.

13 Q. Does your office have people who are loyal to  
14 Mr. Graham and people who are loyal to Ms. Varner?

15 A. I don't know of anyone that you would say that, no.

16 Q. Is Mr. Boyer loyal to Mr. Graham?

17 A. I do not know.

18 Q. Are you planning to take any vacations between now and  
19 December that you would be unavailable for trial?

20 A. I'd have to ask my wife.

21 Q. Do you have any planned vacations currently?

22 A. No.

23 MS. WALLET: That's all the questions I have.

24 Thank you.

25 THE WITNESS: Okay. Thank you.



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1 BY MR. DELLASEGA:

2 Q. I have a couple more, sir.

3 A. Sure.

4 Q. In the last four years have you spoken with Gary Graham  
5 about any matter of any type?

6 A. No.

7 Q. Is there any reason today why you would slant your  
8 testimony to help Mr. Graham?

9 A. No.

10 Q. Who is your current supervisor?

11 A. I report directly to Mr. Miller.

12 Q. Sam Miller?

13 A. Yes.

14 Q. Was Gary Graham at one time your supervisor?

15 A. At one time, yes.

16 Q. When he was your supervisor, did you think he was a  
17 good supervisor?

18 A. He was fine with me.

19 Q. You think you were treated fairly?

20 A. Yeah.

21 Q. Do you think that way now with regard to Mr. Miller?

22 A. Yes.

23 MR. DELLASEGA: That's all.

24 MR. ADAMS: I have a couple.

25 BY MR. ADAMS:

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1 Q. Mr. Drachbar, did you ever tell Barbara Varner that  
2 Tom Boyer hates her?

3 A. No.

4 Q. And did you ever tell Ms. Varner that Tom Boyer said to  
5 you he would do anything he could do to get rid of her?

6 A. No.

7 Q. Meaning out of the office?

8 A. No.

9 MR. ADAMS: Thank you very much.

10 MS. WILLIAMS: Is that it?

11 BY MS. WALLET:

12 Q. Mr. Drachbar, were you aware that Judge Hoffer had  
13 called certain probation officers up to his office to  
14 talk about this matter? This matter meaning the  
15 allegations between Ms. Varner and Mr. Graham.

16 A. Was -- no. No.

17 Q. You didn't know that at all?

18 A. I did not know that Judge Hoffer had in terms that you  
19 say, called up probation officers to talk about  
20 whatever, no.

21 Q. Were you aware that Judge Hoffer had notes of his  
22 discussions with certain probation officers regarding  
23 the allegations between Ms. Varner and Mr. Graham?

24 A. No.

25 Q. Did you know that Judge Hoffer wrote that you were a

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1 friend of Graham, in his notes?

2 A. No. I'm not aware of that note.

3 Q. Do you consider yourself a friend of Graham?

4 A. No.

5 MR. MacMAIN: Currently?

6 MS. WALLET: Currently.

7 THE WITNESS: No.

8 BY MS. WALLET:

9 Q. Do you know any reason why Judge Hoffer would indicate  
10 that you were a friend of Graham in his notes?

11 A. No idea.

12 MS. WALLET: That's all I have.

13 MR. DELLASEGA: Nothing.

14 MR. ADAMS: Nothing.

15 MS. WILLIAMS: Thank you very much.

16 MR. MacMAIN: No questions, thank you.

17 MR. DELLASEGA: She's going to type up a  
18 transcript of your testimony. You are allowed, if you  
19 wish, to review that transcript and to make corrections  
20 as to any typographical errors or phonetic errors she  
21 may have. You are also allowed to waive that right, if  
22 you like. She's going to need to know.

23 THE WITNESS: What's standard for that?

24 MR. DELLASEGA: In this case most people will  
25 review it.

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1 THE WITNESS: Okay, that's fine.

2 (Whereupon, the deposition was concluded at

3 3:47 p.m.)

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COMMONWEALTH OF PENNSYLVANIA )  
 ) SS.  
COUNTY OF DAUPHIN )

I, Emily R. Clark, Reporter and Notary Public in and for the Commonwealth of Pennsylvania and County of Dauphin, do hereby certify that the foregoing testimony was taken before me at the time and place hereinbefore set forth, and that it is the testimony of:

DENNIS DRACHBAR

I further certify that said witness was by me duly sworn to testify the whole and complete truth in said cause; that the testimony then given was reported by me stenographically, and subsequently transcribed under my direction and supervision; and that the foregoing is a full, true and correct transcript of my original shorthand notes.

I further certify that I am not counsel for nor related to any of the parties to the foregoing cause, nor employed by them or their attorneys, and am not interested in the subject matter or outcome thereof.

Dated at Harrisburg, Pennsylvania, this 21st day  
of May, 2003.

Emily R. Clark  
Reporter - Notary Public

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